

United States District Court
Southern District of Texas

ENTERED

January 25, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

TOMMY MARION,

Plaintiff,

VS.

UNITED STATES LIFE INSURANCE
COMPANY IN THE STATE OF NEW
YORK, *et al.*,

Defendants.

CIVIL ACTION NO. 4:23-CV-00149

ORDER

Before the Court is United States Magistrate Judge Yvonne Y. Ho's Memorandum and Recommendation filed on January 2, 2024. Doc. #35. The deadline for filing objections has passed, and no objections have been filed. Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Memorandum and Recommendation for clear error. Finding no clear error, the Court adopts the Memorandum and Recommendation in its entirety.

Accordingly, Defendant Nicky Thompson's Motion to Dismiss Plaintiff Tommy Marion's Claims (Doc. #28) is GRANTED as to Plaintiff's fraud claim and DENIED as to Plaintiff's unjust enrichment and declaratory relief claims. Further, Defendant Nicky Thompson's Motion to Dismiss the Crossclaims of Defendant United States Life Insurance Company in the State of New York (Doc. #33) is DENIED.

It is so ORDERED.

JAN 25 2024

Date

The Honorable Alfred H. Bennett
United States District Judge

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